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## IN THE UNITED STATES AND TRADEMARK OFFICE

In re Applicant: Haviv Toledano  
Serial No: 10/009,138

Filed: 26 Nov 2001  
For: A flexible Annular Stapler for  
Closed Surgery of Hollow Organs  
Examiner: Dawson, Glenn K

Group Art Unit: 3731

Commissioner of Patents and Trademark  
Box AF  
Washington, D.C. 20231

### RESPONSE UNDER 37 CFR 1.116

Sir:

This is in response to the United States Patent and Trademark Office action mailed 18 August 2006, which response is being made on or before 18 November 2006 and for which no extension fees are due. Applicant requests amendment of the above-identified application as follows to place it in condition for allowance:

#### In the claims:

Please rewrite Claim 41,42 and 43 as Claim 41 (amended), 42 (amended) and 43 (amended) as follows:

41. (amended) A method for joining two parts of hollow organs or segments of same hollow organ, at any anatomical location, over an annular area defined on a chosen plane in each of the two parts, whereby each part has an opening through the respective plane essentially inside the respective annular area under conditions of closed surgery, using laparoscopic or thoracoscopic techniques, performed on a patient, the method sequentially comprising at least the steps of-

- a) providing a flexible annular stapler having two interacting and possibly invertible round jaws;
- b) inserting said two interacting jaws through the mouth of said patient into a first one of the two parts and advancing said jaws to where one jaw is inside the first part and the other jaw is inside the second one of the two parts, each jaw being substantially near the respective chosen plane for said joining;
- c) for each of the two parts, either shrinking the opening so as to form an at least partially closed butt that encloses the respective one of said jaws, or pressing the tissue surrounding the opening to form a pair of adjoining lips so as to enclose the respective one of said jaws and stapling said lips together by means of a linear stapler, and
- d) operating said annular stapler so as to pull the two said butts together and essentially combine the two annular areas into a combined annular area, to staple the two parts of hollow organs or segments to each other over said combined annular area and to cut away portions of said butts that are central to